

Calendar No. 386

108TH CONGRESS  
1ST SESSION**S. 1824****[Report No. 108–194]**

To amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2003

Mr. LUGAR (for himself, Mr. HAGEL, Mr. BIDEN, and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

NOVEMBER 11, 2003

Reported by Mr. LUGAR, without amendment

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## A BILL

To amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Overseas Private In-  
5       vestment Corporation Amendments Act of 2003”.

1 **SEC. 2. ISSUING AUTHORITY.**

2 Section 235(a)(2) of the Foreign Assistance Act of  
3 1961 (22 U.S.C. 2195(a)(2)) is amended by striking “No-  
4 vember 1, 2000” and inserting “2007”.

5 **SEC. 3. TECHNICAL CORRECTIONS.**

6 (a) ADMINISTRATIVE COSTS.—Section 235(a)(1)(B)  
7 of the Foreign Assistance Act of 1961 (22 U.S.C.  
8 2195(a)(1)(B)) is amended by striking “subsidy cost” and  
9 inserting “subsidy and administrative costs”.

10 (b) NONCREDIT ACCOUNT REVOLVING FUND.—Sec-  
11 tion 235(c) of the Foreign Assistance Act of 1961 (22  
12 U.S.C. 2195(c)) is amended—

13 (1) in the first sentence—

14 (A) by striking “an insurance and guar-  
15 anty fund, which shall have separate accounts  
16 to be known as the Insurance Reserve and the  
17 Guaranty Reserve, which reserves” and insert-  
18 ing “a noncredit account revolving fund,  
19 which”; and

20 (B) by striking “such reserves have” and  
21 inserting “of the fund has”;

22 (2) by striking the third sentence; and

23 (3) in the last sentence, by striking “reserves”  
24 and inserting “fund”.

1 (c) PAYMENTS TO DISCHARGE LIABILITIES.—Sec-  
2 tion 235(d) of the Foreign Assistance Act of 1961 (22  
3 U.S.C. 2195(d)) is amended—

4 (1) in the first sentence, by striking “Insurance  
5 Reserve, as long as such reserve” and inserting  
6 “noncredit account revolving fund, as long as such  
7 fund”; and

8 (2) in the second sentence, by striking “or  
9 under similar predecessor guaranty authority” and  
10 all that follows through “subsection (f) of this sec-  
11 tion” and inserting “or 234(c) shall be paid in ac-  
12 cordance with the Federal Credit Reform Act of  
13 1990”.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 235(f) of the Foreign Assistance Act of 1961 (22 U.S.C.  
16 2195(f)) is amended—

17 (1) in the first sentence, by striking “insurance  
18 and guaranty fund” and inserting “noncredit ac-  
19 count revolving fund”; and

20 (2) by striking “Insurance Reserve” each place  
21 it appears and inserting “noncredit account revolv-  
22 ing fund”.

23 (e) BOARD OF DIRECTORS.—Section 233(b) of the  
24 Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) is  
25 amended in the second paragraph—

1 (1) by striking “officials” and inserting “prin-  
2 cipal officers”;

3 (2) by inserting “whose duties relate to the pro-  
4 grams of the Corporation” after “Government of the  
5 United States”; and

6 (3) by striking “an official” and inserting “one  
7 such officer”.

8 **SEC. 4. INVESTMENT INSURANCE.**

9 (a) EXPROPRIATION OR CONFISCATION.—Section  
10 234(a)(1)(B) of the Foreign Assistance Act of 1961 (22  
11 U.S.C. 2194(a)(1)(B)) is amended by inserting “or any  
12 political subdivision thereof” after “government”.

13 (b) DEFINITION OF EXPROPRIATION.—Section  
14 238(b) of the Foreign Assistance Act of 1961 (22 U.S.C.  
15 2198(b)) is amended by inserting “, a political subdivision  
16 of a foreign government, or a corporation owned or con-  
17 trolled by a foreign government,” after “government”.

18 **SEC. 5. LOCAL CURRENCY GUARANTY.**

19 (a) LOCAL CURRENCY GUARANTY.—Section 234 of  
20 the Foreign Assistance Act of 1961 (22 U.S.C. 2194) is  
21 amended by adding at the end the following:

22 “(h) LOCAL CURRENCY GUARANTIES FOR ELIGIBLE  
23 INVESTORS.—To issue to—

24 “(1) eligible investors, or

25 “(2) local financial institutions, guaranties,

1 denominated in currencies other than United States dol-  
 2 lars, of loans and other investments made to projects  
 3 sponsored by or significantly involving eligible investors,  
 4 assuring against loss due to such risks and upon such  
 5 terms and conditions as the Corporation may determine,  
 6 for projects that the Corporation determines to have sig-  
 7 nificant developmental effects or as the Corporation deter-  
 8 mines to be necessary or appropriate to carry out the pur-  
 9 poses of this title.”.

10 (b) DEFINITION OF LOCAL FINANCIAL INSTITU-  
 11 TION.—Section 238 of the Foreign Assistance Act of 1961  
 12 (22 U.S.C. 2198) is amended—

13 (1) in subsection (d), by striking “and” after  
 14 the semicolon;

15 (2) in subsection (f), by striking the period at  
 16 the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(g) the term ‘local financial institution’—

19 “(1) means any bank or financial institu-  
 20 tion that is organized under the laws of any  
 21 country or area in which the Corporation oper-  
 22 ates; but

23 “(2) does not include a branch, however  
 24 organized, of a bank or other financial institu-

1           tion that is organized under the laws of a coun-  
 2           try in which the Corporation does not operate.”.

3 **SEC. 6. OUTREACH TO MINORITY- AND WOMEN-OWNED**  
 4 **BUSINESSES.**

5           (a) IN GENERAL.—Section 240 of the Foreign Assist-  
 6    ance Act of 1961 (22 U.S.C. 2200) is amended—

7           (1) in the first sentence, by striking “The Cor-  
 8    poration” and inserting:

9           “(a) IN GENERAL.—The Corporation”; and

10          (2) by adding at the end the following:

11          “(b) OUTREACH TO MINORITY-OWNED AND WOMEN-  
 12    OWNED BUSINESSES.—The Corporation shall collect data  
 13    on the involvement of minority- and women-owned busi-  
 14    nesses in projects supported by the Corporation, includ-  
 15    ing—

16           “(1) the amount of insurance and financing  
 17    provided by the Corporation to such businesses in  
 18    connection with projects supported by the Corpora-  
 19    tion; and

20           “(2) to the extent such information is available,  
 21    the involvement of such businesses in procurement  
 22    activities conducted or supported by the Corporation.  
 23    The Corporation shall include, in its annual report sub-  
 24    mitted to the Congress under section 240A, the aggregate  
 25    data collected under this paragraph, in such form as to

- 1 quantify the effectiveness of the Corporation's outreach
- 2 activities to minority- and women-owned businesses.'".

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